

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
v.)	
)	4:19-CR-156-001
PETER EFTHIMIOU,)	
Defendant,)	<i>EX PARTE FILING</i>
)	
PROSPERITY BANK,)	
Garnishee.)	
)	

WRIT OF GARNISHMENT

GREETINGS TO:
Prosperity Bank
Registered Agent Charlotte M. Rasche
80 Sugar Creek Center Blvd.
Sugar Land, Texas 77478

An *Ex Parte* Application for a Writ of Garnishment has been granted by this Court, pursuant to 28 U.S.C. § 3205, against the nonexempt property belonging to or due to Defendant-Judgment Debtor, Peter Efthimiou (“Defendant-Judgment Debtor”). Please read the following instructions regarding the steps you must take to comply with this Writ. For additional information, you may contact your attorney or the attorney for the United States identified in the last paragraph, below.

1. The name, Social Security Number and last known addresses of the person who is the Defendant-Judgment Debtor in this action and whose property is subject to this Writ is: **Peter Efthimiou, SSN: ***-**-8862, 3920 Spinnaker Run Point, Little Elm, Texas 75068, AND 2300 W. Taylor Street, Apartment # 1711, Sherman, Texas 75092.**

2. A criminal judgment has been entered against the Defendant-Judgment Debtor in favor of the United States in the original amount of \$987,850.00. As of December

3, 2021, the outstanding criminal debt balance owed by the Defendant-Judgment Debtor is \$973,750.00.

3. As Garnishee, you are required by law to file an Answer in writing and under oath, within ten (10) days of service of this Writ upon you. You must answer the Writ even if you do not have in your possession, custody or control any property or assets of the Defendant-Judgment Debtor. YOU ARE ORDERED to disclose in your answer:

a. whether or not you have or will have in your possession, custody or control any property of the judgment debtor, and

b. the value of the judgment debtor's property that you owe or will owe to him.

4. In particular, your Answer should include the above-stated disclosures, *at a minimum*, with respect to Peter Efthimiou.

5. YOU ARE FURTHER ORDERED to withhold and retain until ordered otherwise, the non-exempt property and/or disposable earnings owed to the debtor by you. Under the law, certain property is exempt and not subject to withholding by you under this Writ. A list of property exemptions which are not subject to the Writ is attached hereto and entitled "Exemption Form." Where applicable, the method of computation for the amount of wages that are exempt from garnishment is found in that "Exemption Form."

6. YOU ARE FURTHER ORDERED to file your original written answer to this Writ, with any attachments, within ten (10) days after you receive it, with the United States District Court Clerk at: US Clerk of Court, P.O. Box 8286, Savannah, GA 31412; and with copies to the Defendant-Judgment Debtor to both of his last known addresses per Paragraph 1, and to the United States Attorney's Office, Attention: Financial Litigation Unit, P.O. Box 8970, Savannah, GA 31412.

7. A sample Answer form is enclosed for your convenience. Although this Writ

was issued *ex parte*, your Answer will be publicly filed.

8. If you fail to answer or withhold property in accordance with this Writ, you may be required to appear before the Court and show good cause as to why a judgment should not be entered against you for an equivalent value of the Defendant-Judgment Debtor's non-exempt property or disposable earnings that you should have withheld.

9. The Defendant-Judgment Debtor and/or the United States may, within twenty (20) days after receipt of your Answer, file a written objection to your Answer stating the grounds for the objection and requesting a hearing. Any party who objects shall bear the burden of proving such grounds.

10. If you have any questions about this Writ, you should contact your attorney. You may also contact the following counsel for the United States:

Mary Susan Robichaux
Assistant United States Attorney
P.O. Box 8970
Savannah, Georgia 31412
Tel: (912) 652-4422
Mary.Robichaux@usdoj.gov

IT IS SO ORDERED this ____ day of _____, 2021.

HONORABLE R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

[EXEMPTION FORM ATTACHED]

EXEMPTION FORM

Pursuant to Title 18, U.S. Code, Section 3613(a)(1), the following categories of property are exempt from garnishment in this case (enumerated in 26 U.S.C. § 6334(a)(1), (2), (3), (4), (5), (6), (7), (8), (10), and (12)):

_____Wearing apparel and school books: Such items of wearing apparel and such school books as are necessary for the taxpayer or for members of his family;

_____Fuel, provisions, furniture, and personal effects: So much of the fuel, provisions, furniture, and personal effects in the taxpayer's household, and of the arms for personal use, livestock, and poultry of the taxpayer, as does not exceed **\$9,120** in value;

_____Books and tools of a trade, business, or profession: So many of the books and tools necessary for the trade, business, or profession of the taxpayer as do not exceed in the aggregate **\$4,560** in value;

_____Unemployment benefits: Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico;

_____Undelivered mail: Mail, addressed to any person, which has not been delivered to the addressee;

_____Certain annuity and pension payments: Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code;

_____Workmen's compensation: Any amount payable to an individual as workmen's compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico;

_____Judgments for support of minor children: If the taxpayer is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment;

_____Certain service-connected disability payments: Any amount payable to an individual as a service-connected (within the meaning of (section 101(16) of title 38, United States Code) disability benefit under-

_____ (A) subchapter II, III, IV, V, or VI of chapter 11 of such title 38, or

_____ (B) chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such title 38

_____ Assistance under Job Training Partnership Act: Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. § 1501 et seq.) from funds appropriated pursuant to such Act.

WHERE APPLICABLE, METHOD OF COMPUTATION FOR AMOUNT OF WAGES THAT ARE EXEMPT FROM GARNISHMENT (*See* 15 U.S.C. §1673):

The maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment may not exceed the lesser of:

- a) 25% of disposable earnings for that week; or
- b) The amount by which disposable earnings for that week exceed 30 times the federal minimum hourly wage prescribed by 29 U.S.C. §206(a)(1), in effect at the time the earnings are payable.